

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNETTE POLLOCK, VICTOR VIERA,
JR., and MISAEEL FERNANDEZ, on behalf of
themselves and all others similarly situated,

Plaintiffs,

-against -

LEGENDS HOSPITALITY, LLC, and
NEW YORK YANKEES PARTNERSHIP,

Defendants.

Case No. 12-civ-8334

Hon. Thomas P. Griesa

NOTICE OF MOTION TO STAY

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Legends Hospitality, LLC's Motion to Stay Plaintiffs' Motion for Preliminary Certification ("Motion to Stay"), and the Declaration of Kelly L. Brown, and all prior pleadings and proceedings herein, the undersigned attorneys for Legends Hospitality, LLC ("Legends") will move this Court at such time as the Court designates, before the Honorable Thomas P. Griesa, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007 for an ORDER granting Legends' Motion to Stay, because resolution of Legends' pending Motion to Dismiss Plaintiffs' Class Action Complaint ("Motion to Dismiss") may moot Plaintiffs' Motion for Preliminary Certification ("Notice Motion"), and therefore consideration of Plaintiffs' Notice Motion prior to resolution of Legends' Motion to Dismiss will waste the parties' and the Court's time and resources.

DATED: March 1, 2013

/s/ Richard J. Rabin

Richard J. Rabin
Kelly L. Brown
AKIN GUMP STRAUSS HAUER & FELD LLP
One Bryant Park
New York, NY 10036
Telephone: (212) 872-1000
Facsimile: (212) 872-1002
rrabin@akingump.com
kbrown@akingump.com

Robert G. Lian (*pro hac vice*)
AKIN GUMP STRAUSS HAUER & FELD LLP
1333 New Hampshire Avenue
Washington, DC 20036
Telephone: (202) 887-4000
Facsimile: (202) 887-4288
blian@akingump.com

ATTORNEYS FOR DEFENDANT
LEGENDS HOSPITALITY, LLC